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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,791	08/25/2003	Maimon Eliyahu	26587	1225

7590 10/18/2006
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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
3635	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/646,791	Applicant(s) ELIYAHU ET AL.	
	Examiner Chapman E. Jeanette	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 120 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-14, 17-20 are (is/are) rejected under 35 U.S.C. 103(a) as being unpatentable over by Iotti (4306396) in view of Snitovski (4802318) and Gilbert (1188065) .

Iotti discloses a modular wall segment for constructing a wall comprising:

- First and second walling sheets 5a and 5b of two dimensional shape and size
- A plurality of concrete layers 4a and 4b and 3 between the walling sheets to form a volume of consistent thickness of said selected two dimensional shape and size
- The walling sheets are made of plasterboard and the center core and intermediate layers of Portland cement. See column 1, lines 49-56 and column 2, lines 64-68
- The layers of concrete include a quantity of bonding material between them to augment their securement together with thin the modular segment by said walling sheets; see column 3, lines 42-48 and column5, lines 54-64

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- The wall segment is formed on at least one end face with a slot for receiving a fastening element to secure the wall segments to each other ; see column 5, lines 54-64 and figure 8
- One end of the modular wall segment is formed with said slot and the opposite face of the wall segment is formed with a rib dimensioned to be received in the slot of another like modular wall segment; see figure 8
- A fastening element 2 dimensioned to be received in the said slot to secure the modular wall segment to another segment; see figure 7
- The fastening element is a fastening bar, of a cruciform or t-shaped cross section, received in the slot of two aligned modular wall segments; the particulars of the bar such as hollow has been considered a matter of choice and one of ordinary skill in the art would have appreciated allof the forms for the bar to assume to enable the intended function purpose and structure of the wall segment and bar
- Two wall segments of the same dimension with the above limitations to form a wall
- An insulating layer 3 between the two wall segments

Iotti lacks the aerated concrete blocks with slots that extend longitudinally through the aerated concrete blocks a the respective end of the modular wall segment. Snitovski discloses the aerated concete blocks contiguously located in a plurality of rows and column. Gilbert shows walling layers bonded on the opposite faces, by layer 4, to the first and second walling sheets 7.

Specifically Gilbert teaches applying a first layer of glue 4 between the first walling sheet and

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the core layer, applying a second layer of glue 4 between the second walling segment 7 and the opposite side of the core and the first and second walling sheets are to some degree pressed against the opposite surfaces of the core.

Claims 5-6 are (is/are) rejected under 35 U.S.C. 103(a) as being unpatentable over by Iotti (4306396) in view of Snitovski (4802318) and Gilbert (1188065) and further in view of Henle yet al (4852310). Iotti lacks the slot defined by the walling sheets projecting outwardly past the center core at the end of the modular segment forming a U shaped channel. Henley et al discloses a slot formed by walling sheets projecting outwardly past the core at the respective end of the modular wall segment.

Claims 15-16 are (is/are) rejected under 35 U.S.C. 103(a) as being unpatentable over by Iotti (4306396) in view of Snitovski (4802318) and Gilbert (1188065) in view of Terry (6532710). Terry discloses a means to accommodate utility cables and terminated in eds securable to load bearing structures to provide protection against earthquakes. It would have been obvious to one of ordinary skill in the art to not only include the aerated blocks but also the means to accommodate utility cables as shown by terry in order to provide a means to provide electrical appliances.

Applicant's arguments are moot in view of the new ground of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeanette Chapman
Primary Examiner